IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE HARUN-UL-RASHID

MONDAY, THE 24TH DECEMBER 2007 / 3RD POUSHA 1929

WP(C).No. 38013 of 2007(A)

PETITIONER:

I.H.ZAKARIYA,
S/O.HAMZA, AGED 37 YEARS,
RESIDING AT HOUSE NO.1/1400,
PATTALAM, FORT KOCHI VILLAGE,
KOCHI TALUK, KOCHI- 682 001.

BY ADV. SRI.SANTHEEP ANKARATH

RESPONDENT:

MRS.MARIYAM PASHA,
W/O.MOHAMMED SALIM PASHA, AGED 54 YEARS,
RESIDING AT 3-A, INDU PARK,
CO-OPERATIVE HOUSING SOCIETY LTD.,
4TH BUNGALOW ROAD, VERSOVA,
ANDHERI WEST, MUMBAI- 400 058.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 24/12/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

HARUN-UL-RASHID, J.

W.P.(C) NO. 38013 OF 2007

Dated this the 24th day of December, 2007

JUDGMENT

The petitioner is the plaintiff in O.S. No.223 of 2007 on the file of the Sub Court, Kochi. The suit was filed for a decree of specific performance of an agreement. Along with the plaint, the petitioner also moved I.A. No.1690 of 2007 seeking temporary injunction restraining the defendant form alienating or disposing of the property and I.A. No.1689 seeking attachment of the property. The grievance of the petitioner is that the court below only ordered notice on the applications, but no interim orders were passed. It is also submitted that the case is posted to 2.1.2008 for hearing. The petitioner, therefore, prays for a direction to the Sub Court, Kochi to pass interim orders on I.A. Nos. 1689 and 1690 of 2007 in O.S. No.223 of 2007 without delay.

2. As the case is posted to 2.1.2008, there is no need to issue any further direction in this regard. But, considering the grievance of the petitioner, the court below is directed to dispose of the aforesaid

interlocutory applications as expeditiously as possible.

The Writ Petition is disposed of as above.

(HARUN-UL-RASHID, JUDGE)

sp/

KURIAN JOSEPH &
HAURN-UL-RASHID, JJ.

L.A.A.NO

JUDGMENT

4TH DECEMBER, 2007